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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/812,565	03/21/2001	Mutsuro Tanoue	Q63506	2639

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EXAMINER

LE, DUY K

ART UNIT PAPER NUMBER

2685

DATE MAILED: 03/15/2004

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Please find below and/or attached an Office communication concerning this application or proceeding.

PM

## Office Action Summary

Application No.

09/812,565

Applicant(s)

TANOUE ET AL.

Examiner

Duy K Le

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-4 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 4.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-3 are rejected under 35 U.S.C. 102(b) as being anticipated by Salvaterra (EP 0735380 A1).

As to claim 1, the Salvaterra reference discloses a mobile system which is mounted on a mobile unit (“a system for the radiolocation and radionavigation of a mobile station typically comprising a mobile interface circuit connected with satellite sensing equipment installed on board a vehicle” (Abstract, lines 1-4)), comprising:

a position measuring section for measuring the position of said mobile unit (“Fig 1 also indicates a number of peripheral devices connected with the box 1, one of which being a GPS antenna 9 (designed specifically for use with the GPS system) of which the signals are supplied to a GPS receiver 10, thereby enabling satellite links” (Col. 4, lines 25-29)); and

a controller for controlling said position measuring section to continue the position measuring operation after stopping a main operation of said mobile system (“2 denotes mobile control means consisting in a microprocessor, associated with its own independent oscillator 3, which controls and interacts with all further hardware in the box 1 by way of a relative bus 4” (Col. 4, lines 16-19). “If for any reason the ignition key is switched off, the system passes to a condition 224 in which, with the key removed, it assumes the vehicle logically to be at a

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standstill (zero rpm) and will thus set the timer to deactivate the various sections of the equipment. The system is brought out of condition 224 either by the user reinserting and operating the ignition key, in which case the timers are reset and normal functions resumed (indicated by 225), or, if the delay programmed for deactivation of the satellite link has elapsed, by a move to condition 226 in which the GPS antenna 9 is switched off" (Col. 13, lines 37-48)).

As to claim 2, the Salvaterra reference discloses the mobile system according to claim 1, further comprising a positioning stopper for stopping said position measuring operation under the control of said controller ("210 denotes a fully operational state which will be maintained either until the system is switched off, inducing state 211. In state 211, the processor activates a timer that will ultimately switch off the GPS antenna 9 and the black box 1 itself" (Col. 13, lines 1-7)).

As to claim 3, the Salvaterra reference discloses the mobile system according to claim 2, wherein said positioning stopper comprises a clock section which starts the clocking after stopping the main operation of said mobile system ("in state 211, the processor activates a timer that will ultimately switch off the GPS antenna 9 and the black box 1 itself" (Col. 13, lines 5-7). "In state 217, hence with the GPS link switched off, one of the following events will occur: expiry of the time lapse for switching off the black box 1" (Col. 13, lines 12-14)).

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over EP 0735380 A1 to Salvaterra in view of Tagami et al. (U.S. Patent 4,535,334).

As to claim 4, the Salvaterra reference discloses the mobile system according to claim 1. However, it does not disclose an operation stop detector for detecting the stop of the main operation of said mobile system; wherein said operation stop detector is provided on a power line for supplying an electric power to said mobile system. The Tagami reference teaches an operation stop detector for detecting the stop of the main operation of said mobile system; wherein said operation stop detector is provided on a power line for supplying an electric power to said mobile system ("once the ignition key switch IG-SW is turned off for the purpose of stopping at a gas station or for a meal while traveling, this state of shut-off is duly detected by the power supply control circuit 7, whereupon a power supply command for a continued conducting to the signal processing unit 3 is fed from the power supply control circuit 7 to power supply circuit 6 long enough to hold the stored data in the signal processing unit 3 for a predetermined period of time 5 to 10 minutes, whereby the power supply circuit 6 continues to supply the power to the signal processing 3" (Col. 4, lines 49-59)).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the system of Salvaterra to comprise an operation stop detector for detecting the stop of the main operation of said mobile system; wherein said operation stop detector is provided on a power line for supplying an electric power to said mobile system, as taught by Tagami, in order to continue obtaining location data with the temporary shut-off of power.

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***Conclusion***

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- a. Sheffer et al. (U.S. Patent 5,218,367) discloses vehicle tracking system.
- b. Wortham (U.S. Patent 5,832,394) discloses vehicle locating and communicating method and apparatus.
- c. Berard et al. (U.S. Patent 5,515,043) discloses cellular/GPS system for vehicle tracking.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Duy K Le whose telephone number is 703-305-5660. The examiner can normally be reached on 8:30 am - 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward F Urban can be reached on 703-305-4385. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Duy Le

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March 4, 2004

  
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